

REMARKS

Claims 57-61, 63-67 and 69-73 have been canceled. Claims 74-77 have been added. Support for the new claims can be found on page 5, lines 1-23, and on page 15, lines 24-26, for example. See also Example 18, page 48, line 7 to page 49, line 2, wherein KGA peptides were seen to inhibit apoptosis induced by β -amyloid.

Rejection of Claims 57-61 and 63-73 Under 35 U.S.C. § 112, First Paragraph

In the Office Action dated 6 June 2005, the Examiner rejected Claims 57-61 and 63-73 under 35 U.S.C. § 112, first paragraph, "because the specification, while being enabling for methods of inhibiting NGF-responsive hair loss with NGF fragments comprising 'KGA', does not reasonably provide enablement for inhibiting hair loss, caused-by or -under all conditions". Claims 1-73 are now all canceled. New claim 74 describes a method of inhibiting NGF-responsive hair loss with NGF fragments comprising KGK. New claims 75-77 describe methods of inhibiting NGF-responsive hair loss with a peptide comprising amino acid sequence KGA.

The Examiner also rejected claims 57-61 and 63-73 under 35 U.S.C. § 112, first paragraph because "[i]t is difficult to imagine a non-mammalian vertebrate model that would yield similar results, and none was suggested by the Specification." Claims 1-73 are all canceled. New claim 74 describes a method of inhibiting NGF-responsive hair loss in mammals with NGF fragments comprising KGA. New claims 75-77 describe methods of inhibiting NGF-responsive hair loss in mammals with a peptide comprising KGA.

Rejection of Claims 57 and 63 for Double Patenting

Claims 57 and 63 have been rejected under the judicially-created doctrine of obviousness-type double patenting, as they are said to be unpatentable over claims 19 and 2, respectively, of U.S. Patent No. 6,103,689. Claims 57 and 63 are canceled.

Rejection of Claims 57, 63 and 69 under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 57, 63 and 69 under 35 U.S.C. § 112, second paragraph because the claims recite a "biologically active" fragment of NGF; "[h]owever, one skilled in the art cannot determine the metes and bounds of the claimed invention...." Claims 57, 63 and 69 have been canceled. New claim 74 describes a method of inhibiting NGF-responsive hair loss with NGF fragments comprising KGA. New claims 75-77 describe methods of inhibiting NGF-responsive hair loss with a peptide identified as having a sequence comprising KGA. The term "biologically active fragment of nerve growth factor" does not appear in the new claims.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Carol A. Egner
Carol A. Egner
Registration No. 38,866
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: October 20, 2005